

Brussels, 9 March 2023

## RE: Key issues for the Environment Council meeting on 16 March 2023

Dear Environment Minister,

You have been invited to discuss crucial topics for the future of the EU farming sector at the next meeting of the Council on 16 March. Drastic loss of biodiversity<sup>1</sup>, continued high levels of emissions from livestock farming<sup>2</sup> and declining soil health and soil organic carbon loss<sup>3</sup> require rapid action. With this letter the organic movement wants to highlight key concerns regarding the Industrial Emissions Directive, the framework for Carbon Removal Certification and the legislative framework for Novel Genomic Techniques (NGTs). These policies should be in line with the Green Deal objectives and contribute to emissions reductions, biodiversity protection and ecosystem restoration.

### 1. Industrial Emissions Directive

The organic food and farming movement welcomes the objective to further reduce emissions and pollution from livestock farming in the EU and supports the inclusion of pig, poultry and cattle farming and the strengthened requirements in the Industrial Emissions Directive (IED).

- **Urgent need to reduce emissions from livestock farming**

Methane and ammonia emissions have stagnated in the past years, even though there is an urgent need to act and reduce emissions that are accelerating climate change and have a negative impact on the environment and human health. It is therefore regrettable that the extension of the scope of the IED with regard to livestock farming and in particular the inclusion of cattle has resulted in strong opposition and criticism. IFOAM Organics Europe believes that **it is duly justified that livestock farming is included in this legislation** aiming to reduce emissions and pollution that are harming the climate, environment and human health. It is a fact that large industrial landless livestock farming operations are a source of pollution, with detrimental effects on climate, biodiversity and animal welfare. Besides the need to reduce emissions and therefore the number of animals overall, the impact of increased concentration of livestock farms which has been observed in recent years also has to be tackled.

- **Differentiation between intensive and extensive farming systems**

However, it is important to highlight that different farming systems do not contribute to the same extent to environmental pollution. Legal requirements under the IED therefore have to be put in relation to the available agricultural land on which the necessary fodder is produced, the nutrients are recycled and where the animals have access to pastures. It is crucial to consider the spatial dimension, livestock density, type of feeding and if animals in a farming system have access to outdoor areas and the possibility to graze. The way forward to limit environmental pollution from livestock should be to reduce the overall number of animals and to follow the path of organic farming, agroecological practices or traditional pastoral systems. These approaches work in line with natural cycles and take into account the capacity of the land available for fodder and nutrient recycling, to improve animal welfare and contribute to biodiversity enhancement.

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<sup>1</sup> IPBES, 2019. Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.

<sup>2</sup> EEA, [Greenhouse gas emissions from agriculture](#)

<sup>3</sup> Stolte, J. et al (eds), 2016. Soil threats in Europe. EUR 27607 EN.

## 2. Certification Framework for Carbon Removals

The organic movement believes that in the context of carbon farming, the certification framework should contribute to transition farming systems and prevent greenwashing and a further intensification of the agricultural sector.

- **Carbon farming has to positively contribute to biodiversity enhancement and ecosystem protection**

It is essential to consider climate and biodiversity as part of the same complex problem. Looking at the issue from the single perspective of carbon sequestration does not take other environmental impacts of the land use sector such as nitrate leaching into groundwater, air pollution, soil health or biodiversity loss into account. It is crucial to ensure that carbon farming contributes to enhancing biodiversity and to the protection of ecosystems. **The legislation needs to be explicit on how carbon farming has to contribute to environmental objective besides carbon sequestration and needs to go beyond a vague “do no harm” principle.** A management/activity-based approach could differentiate beneficial practices from those that harm biodiversity and therefore cannot be considered as carbon farming and be certified.

- **Protection of frontrunners**

**The efforts of frontrunners, such as organic farmers, who are already contributing to enhanced carbon stocks have to be recognized.** Soil health is a cornerstone of organic agriculture, and organic farmers have already in the past applied management practices that are enhancing soil fertility and are increasing soil organic carbon stocks. It needs to be ensured that those past efforts are recognized and that those who are already contributing to enhanced carbon sequestration are not penalized. Beneficial management practices need to continue in order to maintain soil organic carbon stocks and protect them in the long run.

- **Ensure a systemic transition and social safeguards**

Soil organic carbon sequestration is easily reversible. To ensure that the risk of release is reduced a systemic transition is necessary because beneficial soil management practices are an integral part of organic and agroecological farming. It is not enough to only incentivize the change of single practices. It is crucial to introduce social safeguards to prevent a negative impact on land prices and therefore land accessibility for farmers.

- **No delay in emissions reductions**

Emissions reductions have to be the priority of climate policy. While it is important to increase carbon sinks in the land sector and reverse the current decline in carbon stocks, land can however not compensate for delayed emissions reductions.<sup>4</sup>

## 3. New Genomic Techniques

The deliberate release of Genetically Modified Organisms (GMOs) and of plants or animals obtained with so-called Novel Genomic Techniques (NGTs) into the environment is an environmental and biosafety issue. This is precisely why the current legislative framework was set up under the competence of Environment Ministers, and why legal requirements for NGTs should remain the responsibility of the Environment Council. Potential negative impacts of the release of NGTs into the environment on biodiversity, the possibility to identify and monitor such impacts, as well as the possibility to recall a product or organism in case of problem, all need to be taken into account in a discussion on potential lighter regulatory requirements for NGTs.

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<sup>4</sup> IPCC, 2022. Summary for Policymakers. In: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

**IFOAM Organics Europe explicitly re-affirms its position that organic agriculture wants to remain GMO-free in the future, including from GMOs derived from NGTs.** Freedom of choice also means the freedom not to use GMOs in one's production process. And **the burden of ensuring non-GMO production should not fall on farmers and processors who do not wish to use NGTs. It is essential that the specific legal requirements that will apply to NGTs allow for the possibility of "coexistence"**, i.e., the possibility for organic and conventional farmers not to use NGTs, and to be protected from contamination (or "adventitious presence"). **For "coexistence" to be conceivable, and to ensure a level playing field for all agricultural production systems across the Europe, EU legal requirements for NGTs need to include identification and traceability of products obtained through NGTs.**

Apart from an obligation for all Member States to set up national coexistence measures ("Member States *must* take appropriate measures to avoid the unintended presence of GMOs (including NGTs) in other products" instead of "Member States *may* take appropriate measures..."), **any future legal proposal on NGTs should therefore include the mandatory identification of products obtained from NGTs and their traceability all along the production chain. Identification and traceability of NGTs at EU level is an indispensable pre-requisite for the feasibility of national coexistence measures, and to protect farmers from accusations of patents infringements.**

Components of a functioning traceability include:

- Obligation for the notifier to include "information on the genetic modification for the purposes of placing on one or several registers modifications in organisms, which can be used for the detection and identification of particular GMO products", including "the methodology for detecting and identifying the GMO product", as required by Annex IV of Directive 2001/18/EC, and articles 5.3(i), 17.3(i)(j) of Regulation 1829/2003.
- The usage of the 'unique identifier' to identify products that contain or consist of GMOs, including NGTs from the first stage of the placing on the market and subsequently transmitted to the subsequent stages of the placing on the market, as currently used in the Regulation 1830/2003.
- A declaration of use by the operator in case products consisting of or containing mixtures of GMOs, accompanied by a list of the unique identifiers for all those GMOs that have been used to constitute the mixture.
- Traceability requirements which apply to each food ingredients which is produced from GMOs as well as all feed materials or additives produced from GMOs. In the case of products for which no list of ingredients exists, an indication that the product is produced from GMOs.

**A functioning system of co-existence has to be established at all levels of the supply chain** – including the breeding, farming, processing, certifier, and retailer level. A narrow focus on the breeding level (e.g., through public registers or information accessible through plant variety registration in the seed catalogue) will not be sufficient to guarantee the supply chain integrity of organic production and would wrongly put the burden of verifying GMO/NGT status on farmers.

**Setting specific legal requirements for NGTs cannot be done on the basis of existing exemptions to Directive 2001/18/EC** (listed in Annex I B) because this legal option was meant for older mutagenesis techniques (by mutagenic chemicals or irradiation) which already at the time had a "long safety record"<sup>5</sup>, and this would exempt NGTs from all legal requirements applying to GMOs, including identification and traceability.

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<sup>5</sup> "Recital 17: *This Directive should not apply to organisms obtained through certain techniques of genetic modification which have conventionally been used in a number of applications and have a long safety record.*"

IFOAM Organics Europe also wants to highlight the need for a careful consideration **of the impact that the legislative proposal on NGTs would have on the current Organic Regulation (2018/848)**, and notably Article 11 (11.1-11.4) on the “Prohibition of the use of GMOs”, in particular regarding reliance on labels and documentation to enforce this prohibition of the use of GMOs in the organic production process (11.3). Article 11 directly refers to Directive 2001/18/EC, GM Food and Feed Regulation 1829/2003 and Regulation 1830/2003 on the traceability and labelling of GMOs. Any addition of certain NGTs to the current list of exemptions from legal requirements in Annex I B, or any new exemption from Directive 2001/18 based on other new criteria, **would de facto and automatically allow the use of these NGTs in organic production, and this would mean that the Commission would impose the use of NGTs to organic producers, without even providing them with the legal and technical means to identify products produced from or by these NGTs.**

Lastly, the deregulation of NGTs is being justified by misleading claims that it will contribute to sustainability and to the European Green Deal. Yet, an isolated trait is never sufficient to evidence ‘sustainability’, which needs to be based on a systemic assessment of the whole farming system. And 25 years of experience show that the use of genetic engineering in agriculture has not delivered any of its claimed promises. On the contrary, commercial cultivation of GMOs has led to an increased pressure on nature, through higher pesticide use and spread of monocultures. GMOs including NGTs fit well into high-input industrial farming systems, which are a major driver for biodiversity loss.<sup>6</sup>

Organic agriculture has a positive impact on biodiversity, water, soil quality, and carbon sequestration.<sup>7</sup> This is why the Farm to Fork and EU Biodiversity strategies include a target of 25% organic agriculture by 2030. To address all negative impacts of agriculture on the environment and climate in a holistic way we need to transition towards agroecological and organic farming systems which aim to achieve an ecological balance. We thank you for considering the views of the organic food and farming movement, and we remain at your disposal for any information you may need.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Eduardo Cuoco'.

Eduardo Cuoco  
Director

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<sup>6</sup> IPBES, 2019. Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. IPBES secretariat.

<sup>7</sup> IFOAM Organics Europe, 2022. Organic agriculture and its benefits for climate and biodiversity. [IFOAMEU\\_advocacy\\_organic-benefits-for-climate-and-biodiversity\\_2022.pdf \(organicseurope.bio\)](https://www.ifoam.bio/en/advocacy/organic-benefits-for-climate-and-biodiversity-2022.pdf)